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Goddard

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-205055

DATE: June 25, 1982

MATTER OF: General Services Administration - Deviation
from usually traveled route

DIGEST: Two employees of the General Services Administration traveled to Washington, D.C., from Peking, China, via Paris, France, rather than via Tokyo, Japan, the usually traveled route. The employees had received erroneous advice that the travel through Paris would be at no extra cost, and the Administrator of General Services authorized the routing based on that understanding. The Government may not pay \$896.90 per traveler for extra costs incurred for the indirect routing. The Federal Travel Regulations require a finding of official necessity for traveling via an indirect route, and there was no basis, other than personal reasons, for the travel through Paris.

Allie B. Latimer, General Counsel, General Services Administration (GSA), has requested our decision as to whether the Government should bear the cost of that portion of two employees' official business trip which was subsequently found to have been completed by other than the usually traveled route. Since the employees traveled by an indirect route, and the cost of the indirect travel was in excess of the constructive cost of direct travel, we hold that the two employees are responsible for the additional travel costs.

FACTS

Ms. Latimer states that in December 1980, two GSA employees traveled to Peking, China, to participate in a meeting with the Chinese Co-Chairman of the "Bilateral Agreement on Science and Technology." The travel authorization, approved by a former Administrator of General Services, called for the employees to travel from Washington, D.C., to Peking, China, via Tokyo, Japan. The return trip was routed through Shanghai, China, and Paris, France. Tokyo and Paris were rest stops. The travel orders contained the following language; "Rest Stop authorized, location may be at the discretion of the traveler, however, no transportation costs over

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that it was subsequently determined that the routing through Paris is not the usually traveled route, and that such routing resulted in extra costs to the Government of \$896.90 per traveler.

After looking into the matter, GSA's Office of Inspector General concluded that:

"1. One of the travelers sought and received advice from a GSA travel section that the contemplated routing of the return trip through Paris would entail no extra costs and that the employees acted in good faith pursuant to the advice that no extra costs would result.

"2. The routing seems to have been an administrative error and should be handled as such."

Ms. Latimer states that the former Administrator who authorized the travel has indicated that he informed one of the travelers that they could stop over in Paris if it did not result in substantial excess costs to the Government. He was informed by the employee that no extra costs would be involved, and he proceeded to authorize the travel. He states he would not have approved travel via Paris had he known it would result in excess costs of almost \$900 per traveler.

Ms. Latimer refers to paragraph 1-2.5a of the Federal Travel Regulations, FPMR 101-7 (May 1973) (FTR), which requires that employees traveling on official business travel by the usually traveled route. She also refers to our decisions which hold that even though an individual seeking advice is given incorrect information, the Government may not pay those expenses to which the individual is not entitled under law or regulation. Clayton Jennings, B-194270, May 9, 1979. However, Ms. Latimer asks whether our decision 32 Comp. Gen. 438 (1953) may be considered authority for approving the payment of the excess travel costs incurred by the employees in this case.

REGULATIONS

The Federal Travel Regulations contain the following provisions concerning the routing of travel:

"1-2.5 Routing of Travel

"a. Official necessity. All travel shall be by a usually traveled route. Travel by other routes may be allowed when the official necessity therefor is satisfactorily established.

"b. Indirect-route or interrupted travel. When a person for his own convenience travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by him. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. * * *

OPINION

Our decision 32 Comp. Gen. 438 is inapplicable here. That case involved an employee who had claimed \$2.80 for bridge and road tolls incident to his use of a faster toll road because the usually travelled free route would have taken him a total of 4 hours longer. We quoted the applicable regulation and held as follows:

"* * * Paragraph 9 of the Standardized Government Travel Regulations, * * * provides as follows:

"Routing of travel. - All travel must be by a usually traveled route. Travel by other routes may be allowed when the official necessity therefor is satisfactorily established."

"A reasonable interpretation of the above-cited law and regulations would entitle a traveler to reimbursement of toll charges incurred in connection with travel on a toll highway provided such toll highway is a usually traveled route between the points involved. However, between two points of travel there may be more than one highway that falls within the category of a usually traveled route and one of the routes may

be a free highway while the other is a toll road. In such instances, this Office will not object to reimbursement of costs incurred by the traveler in using the toll road where there is a specific authorization or approval, by an official having authority to authorize the travel, of the route utilized. In such cases it will be assumed that there has been an administrative determination that the toll road is a usually traveled route or, if not, that the official necessity for its use has been established as provided in paragraph 9 above. Such determination will not be questioned by this Office unless clearly unreasonable. See, generally, paragraphs 10 and 12a (1) of the Travel Regulations with respect to indirect travel and substantial deviations from mileage guides, which paragraphs should be considered in any administrative determination of 'official necessity' under paragraph 9 of those regulations." 32 Comp. Gen. 438, 440 (1953).

We found in that decision, therefore, that a slight increase in travel costs was allowable when toll roads, which were also usually travelled routes, were used. It follows from the above-quoted passage in 32 Comp. Gen. 438, however, that substantial deviations from a usually travelled route, in which costs and traveltime are significantly increased, would be considered unreasonable.

In this case, although the Administrator authorized a deviation in the usually travelled route, he would not have done so had he known of the substantial additional costs involved. Even if the additional costs were understood when the deviation was authorized, the fact remains that there was no official necessity to authorize the deviation. Our decision 32 Comp. Gen. 438 does not stand for the proposition that a determination of official necessity for travel by other than a usually travelled route will not be questioned, even though substantially increased costs may be incurred, when no plausible justification for the determination can be offered.

There being no basis for authorizing the deviation from the usually travelled route, there is no basis for the Government to pay the extra costs of \$896.90 per traveler which were incurred because of the deviation.

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Further, as Ms. Latimer notes, while it is unfortunate that the employees may have relied on incorrect advice from a GSA employee, the Government may not pay those expenses not authorized by the Federal Travel Regulations. Jennings, above.

Accordingly, there is no authority for GSA to authorize payment of the extra travel costs caused by use of an indirect route.

for *Harry R. Van Cleave*
Comptroller General
of the United States